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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,075	06/09/2000	Eiji Ueda	2000 0727A	9068

7590 11/03/2004  
Wenderoth Lind & Ponack LLP  
2033 K Street NW  
Suite 800  
Washington, DC 20006

EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/590,075

**Applicant(s)**

UEDA ET AL.

**Examiner**

Haresh Patel

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32, 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 32, 34-37, are presented for examination. Claims 1-31, 33 are cancelled.

#### ***Priority***

2. Applicant needs to submit translated copies of the claimed foreign priority. Also the section "CROSS-REFERENCE TO RELATED APPLICATIONS" of the specification should contain claimed foreign priority.

#### ***Response to Amendments***

3. Applicant's arguments with respect to claims 32-37 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments to the claims.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 32, 34, 36, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Vallone et al. 6,642,939 (Hereinafter Vallone-TiVoInc).

6. As per claims 32 and 37, Vallone-TiVoInc clearly teaches the following:

a broadcast data receiving method for receiving and outputting broadcast data including a plurality of multimedia data and attribute information (e.g., col., 7, lines 24 – 38), said broadcast data receiving method comprising,

a broadcast data receiving device for receiving and outputting broadcast data including a plurality of multimedia data and attribute information (e.g., col., 7, lines 24 – 38), said data device comprising:

sequentially receiving the plurality of multimedia data (e.g., col., 6, lines 29 - 44) and the attribute information included in the broadcast data on a designated broadcast channel (e.g., col., 5, lines 4 - 20);

outputting the received multimedia data (e.g., figure 1);

creating and storing management information (e.g., figures 2 and 4, col., 5, line 56 – col., 6, line 18) for collectively managing the plurality of received multimedia data and the attribute information (e.g., col., 7, lines 24 – 38) which is included in the broadcast data (e.g., col., 5, lines 4 - 20) and which corresponds to the respective received multimedia data (e.g., col., 5, lines 4 - 20), the multimedia data and the attribute information being kept under management in association with each other (e.g. col., 6, line 45 – col., 7, line 8); and

managing the received multimedia data with reference to the management information (e.g., col., 9, lines 19 – 36).

7. As per claims 34-36, Vallone-TiVoInc clearly teaches the following:

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the attribute information includes information indicating data type of the multimedia data (e.g., col., 7, lines 24 – 38), and wherein said managing unit is further operable to refer to the management information (e.g., col., 7, lines 24 – 38), and change a process for outputting the received multimedia data according to the data type (e.g., figures 12 and 15).

the attribute information includes start-up information of the multimedia data (e.g., figure 19).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone-TiVoInc in view of "Official Notice".

10. As per claim 35, Vallone-TiVoInc teaches the claimed limitations rejected under claim 34. However, Vallone-TiVoInc does not specifically mention about the data type including an HTML format.

"Official Notice" is taken that both the concept and advantages of providing the data type including an HTML format is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the data type including an HTML format with the teachings of Vallone-TiVoInc in order to facilitate attribute information to handle/know, that the information is based

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on HTML format. The well-known use of HTML markup language would help implement the attribute related information. The broadcast data-receiving device would benefit the usage of the HTML markup language for controlling the multimedia data received.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

October 29, 2004

 **JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**